

Application/Control Number: 09/913,317
Art Unit: 3643
March 26, 2007
Page 8

Remarks

It is observed that the Examiner still rejected claims 62, 64-65, 69 and 73 as being anticipated by Rack, claims 81-83 as being anticipated by Gaughen, and claims 43, 45-46, 50-51 and 53, 54 as being unpatentable over Gaughen in view of Rack.

According to the Examiner, Rack discloses only one single layer of bonding agent being a polyurethane bonding agent.

The applicant respectfully observes that the single bonding agent of Rack is interspersed in the substrate and if seeds are placed on the surface of the substrate a retaining layer is also needed.

Thus, the bonding agent is not arranged on the outer layer of the sod, but it is interspersed inside it.

Only if seeds are arranged also on the surface of the substrate, a bonding layer (retaining layer) is placed on the outer surface, over the seeds (see column 3, lines 52-56).

Thus, the teaching of Rack is to provide a bonding agent inside the sod and not on the outer surface thereof and to use a second retaining layer if the seed are arranged on the surface of the substrate.

On the contrary, in the applicant's claimed invention as claimed in claim 43, the single layer of bonding agent is arranged on the entire outer surface

Application/Control Number: 09/913,317
Art Unit: 3643
March 26, 2007
Page 9

of the sod, independently of the position of the seeds inside the sod or on the outer surface thereof.

Thus, it is strongly submitted that the combination of Gaughen with Rack would not lead the skilled man to a combination of features as claimed in claim 43.

The applicant has also amended independent claim 62, along the same line as indicated above.

Such claim is also believed to be new (on the basis of the same arguments as above) in view of Rack.

Claim 81 has also been amended by reciting "cutting" instead of "dividing" and "inserting" instead of "introducing".

The applicant still submits that Gaughen teaches preparing a seeding layer wherein seeds are inserted and then a paper roller applicator is used to force a paper sheet against the moving partially formed mat (see column 5, lines 5-31).

Thus, pressure is applied to the partially formed mat when the seed are already present.

Only after the paper application step the cutting step is performed to define the individual sods (see column 5, lines 32-55).

Thus, it is maintained that present claim 81 is also new and inventive over Gaughen.

Novelty should be undisputed since it has been demonstrated that Gaughen provides for a pressing step after the seeds have been inserted and before cutting the mat into sods.

Application/Control Number: 09/913,317
Art Unit: 3643
March 26, 2007
Page 10

The unobviousness should instead be recognized since the method according to claim 81 solves the problem of having to press a seeding bed that already contains the seeds, with the drawback that the seeds are also subjected to the pressing action, with the consequence that the seeds may change their position inside the sod or even fall outside the sod.

The application should now be in an allowable condition and allowance thereof is respectfully requested.

It will be noted that a sincere effort has been made to positively respond to all of the points raised by the Examiner.

While it is believed that the amended claims properly define the present invention, applicant would be open to any suggestion the Examiner may have concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Respectfully submitted,



Daniel J. O'Byrne (Reg. No. 36,625)
Agent for Applicant

Date: March 26, 2007
Address: Via Meravigli 16, 20123 MILAN-ITALY
Telephone: (from USA) (011)(39)(02) 8590-7777
Telefax: (from USA)(011)(39)(02) 863-860